STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of EDWARD LEON JOHNSON, EDWIN LEON JOHNSON, EDJUAN LEON JOHNSON and EDVETTA MICHELLE JOHNSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TONYA MICHELLE PARKER, a/k/a TONYA MICHELL PARKER,

Respondent-Appellant,

and

EDWARD LEON JOHNSON, SR.,

Respondent.

UNPUBLISHED
December 21, 1999

No. 217922
Wayne Circuit Court
Family Division
LC No. 93-311293

Before: Smolenski, P.J., and Whitbeck and Zahra, JJ.

PER CURIAM.

Respondent-appellant appeals by delayed leave granted from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(ii), (c)(i) and (g); MSA 27.3178(598.19b)(3)(b)(ii), (c)(i) and (g). We affirm.

Respondent-appellant was reevaluated after the permanent custody hearing and additional psychological and psychiatric reports were submitted to the family court for its consideration. In her first issue on appeal, respondent-appellant contends that the family court clearly erred and violated her

right to due process by failing to hold a hearing when the reports were submitted, because she did not have the opportunity to cross-examine the psychologist or psychiatrist who prepared the reports.

Parents have a significant interest in the companionship, care and management of their children that has been characterized as an element of "liberty" to be protected by due process. *In re Brock*, 442 Mich 101, 109; 499 NW2d 752 (1993). "Although due process often requires confrontation and cross-examination, these are not absolute requirements." *Id.* Here, respondent-appellant neither requested a hearing on the additional evidence nor objected to the family court receiving and considering the reports without a hearing. Therefore, the issue was not preserved for review. *In re Hildebrant*, 216 Mich App 384, 389; 548 NW2d 715 (1996). While appellate courts will consider claims of constitutional error for the first time on appeal when the alleged error would have been decisive to the outcome, *id.*, we decline to consider respondent-appellant's unpreserved claims here. Respondent-appellant has provided no basis from which we can conclude that cross-examination of either the psychologist or the psychiatrist would change the outcome of this case. Furthermore, respondent-appellant fails to cite any authority for her claim that the family court was required to hold a hearing on the additional evidence before deciding to terminate her parental rights. A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *In re Hamlet (After Remand)*, 225 Mich App 505, 521; 571 NW2d 750 (1997).

Next, respondent-appellant contends that petitioner failed to present clear and convincing evidence to terminate her parental rights and that termination was not in the best interests of the children. A review of the record indicates that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent-appellant's parental rights to the children. *Id.*

Affirmed.

/s/ Michael R. Smolenski
/s/ William C. Whitbeck
/s/ Brian K. Zahra